

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Nathaniel Travon Martin,  
Plaintiff  
v.  
Joe Lombardo, et al.,  
Defendants

2:17-cv-00806-JAD-CWH

**Order**

[ECF No. 1]

Pro se plaintiff Nathaniel Travon Martin, a former detainee at the Clark County Detention Center, brings this civil rights complaint under 42 U.S.C. § 1983.<sup>1</sup> Magistrate Judge Hoffman issued an order on June 20, 2017, directing Martin to file his updated address with this court on or before July 14, 2017.<sup>2</sup> The deadline has now expired and Martin has not filed his updated address or otherwise responded to that order.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.<sup>3</sup> A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.<sup>4</sup> In determining whether to dismiss an

---

<sup>1</sup> ECF No. 1.

<sup>2</sup> ECF No. 3.

<sup>3</sup> *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

<sup>4</sup> *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 action for lack of prosecution, failure to obey a court order, or failure to comply with local rules, I  
2 must consider several factors: (1) the public’s interest in expeditious resolution of litigation; (2) the  
3 court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
4 favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.<sup>5</sup>

5 The first two factors—the public’s interest in expeditiously resolving this litigation and the  
6 court’s interest in managing the docket—weigh in favor of dismissal. The third factor—risk of  
7 prejudice to defendants—also weighs in favor of dismissal, since a presumption of injury arises from  
8 the occurrence of unreasonable delay in filing a pleading ordered by the court or prosecuting an  
9 action.<sup>6</sup> The fourth factor—public policy favoring disposition of cases on their merits—is greatly  
10 outweighed by the factors favoring dismissal. Finally, a court’s warning to a party that his failure to  
11 obey the court’s order will result in dismissal satisfies the “consideration of alternatives”  
12 requirement.<sup>7</sup> Magistrate Judge Hoffman’s order requiring Martin to file his updated address with  
13 the court on or before Friday, July 14, 2017, expressly stated: “IT IS FURTHER ORDERED that if  
14 plaintiff fails to timely comply with this order, the court will recommend dismissal of this case  
15 without prejudice.”<sup>8</sup> Thus, Martin had adequate warning that dismissal would result from his  
16 noncompliance with the order to file his updated address on or before Friday, July 14, 2017.

17 ///

18 ///

19 ///

---

23 <sup>5</sup> *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963  
24 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

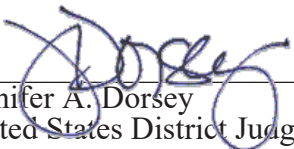
25 <sup>6</sup> *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

26 <sup>7</sup> *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424.

27 <sup>8</sup> ECF No. 3 at 2.

1 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED, that this action is  
2 **DISMISSED without prejudice** due to Martin's failure to comply with Judge Hoffman's June 20,  
3 2017, order. The Clerk of Court is directed to deny all motions as moot and **CLOSE THIS CASE**.

4 DATED July 19, 2017.

5  
6   
7 \_\_\_\_\_  
8 Jennifer A. Dorsey  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28